IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 5921 of 2007()

F.I.R 319/07 ALAPUZHA NORTH POLICE STATION

: PETITIONERS

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1. K.C.GEORGE, AGED 63, S/O. CHOURO,
KURUPPASSERIL VEEDU, ELLAMKULAM VILLAGE,
ERNAKULAM.

2. MARIA BINJU GEORGE, AGED 29 YEARS,
S/O. GEORGE, -DO- -DO-

3. K.G.GEORGE, AGED 24, S/O. K.C.GEORGE,
-DO- -DO-

BY ADV. SRI.BENNY M.JOHN
SRI.N.C.SAJITH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5921 of 2007

Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are father and 2 sons. One of the sons, ie. the 2nd petitioner had got married to a girl against the wishes of both families. The marriage took place in May, 2007. The girl met with an accident and was hospitalised. There the relatives of the girl had allegedly attacked the petitioners. Crime No.319 of 2007 of Cheranalloor Police Station was registered against the parents/relatives of the girl. That crime was registered on 12.09.07. Subsequently the petitioners were threatened of arrest in some crimes registered at the Alappuzha Pollice Station. Apprehending arrest, unaware of the precise allegations against the petitioners, the petitioners have come to this Court with a prayer for anticipatory bail. Time was taken by the learned Public Prosecutor. Now it is submitted that 2 crimes - both under Section 498 A I.P.C have been registered at the instance of the girl and her father. Such crimes are numbered as Crime Nos.518 and 519 of 2007 of Alappuzha Police Station. Those crimes are registered on 29.09.07. Those crimes are registered on the basis of private complaints filed before the learned Magistrate and referred by the Magistrate to the police

under Section 156(3) Cr.P.C. The crux of the allegations is that the petitioners were guilty of matrimonial cruelty against the wife of the 2nd petitioner.

2. The learned counsel for the petitioners submits that the allegations are totally false and fanciful. These crimes are only retaliations against the earlier crime registered on 12.09.07. The petitioners do not, in these circumstances, deserve to endure the trauma of undeserved arrest and detention. The petitioners may be granted anticipatory bail, it is prayed.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor does not oppose the application. He only prays that appropriate conditions may be imposed in the interests of a fair, efficient and expeditious investigation.

4. Having considered all the relevant inputs, I am satisfied that this is a fit case where direction under Section 438 Cr.P.C can be issued in favour of the petitioners.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 23.10.2007. They shall be enlarged on regular bail on their executing bonds in each case for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to

the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 24.10.07 and 25.10.07and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 23.10.07 as directed in clause (1) above, they shall be released from custody on their executing bonds in each case for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 23.10.07.

(R.BASANT, JUDGE)

rtr/-